

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

v.

Civ. No. 12-60 WDS/LFG

\$65,000 IN UNITED STATES CURRENCY,

Defendant,

And

PATRICK MALDONADO,

Claimant.

VERIFIED ANSWER TO VERIFIED
COMPLAINT FOR FORFEITURE IN REM

Claimant answers Plaintiff's complaint as follows:

- 1) Admitted.
- 2) Admitted.
- 3) Admitted.
- 4) Admitted.
- 5) Admitted.
- 6) Claimant is without information as to what Agent Small did before contacting him. Plaintiff admits he purchased a one-way ticket with cash about one hour before departure from Kansas City, Mo. to Los Angeles, Ca.
- 7) Claimant denies as stated. Claimant contends that Agent Small told him that he would get a warrant if Maldonado did not consent to the search of his backpack. Otherwise, Claimant admits that Small searched the backpack and found currency.
- 8) Admitted.

9) Admitted.

10) Admitted that Maldonado called Hayden. However, Claimant is without information as to what Hayden told Small.

11) Admitted.

12) Admitted that Claimant had inoperable cell phones.

13) Claimant is without information to admit or deny any canine detection.

14) Admitted.

15) Denied.

16) Denied.

17) Denied.

Affirmative Defense

The seizure of Claimant and the seizure of his money violated the Fourth Amendment to the United States Constitution. The currency should be suppressed and returned to Claimant.
WHEREFORE, Claimant requests return of the currency, dismissal of this action and costs and attorney fees.

Respectfully Submitted,
KENNEDY LAW FIRM

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I HEREBY CERTIFY that a true and correct copy of the foregoing was served upon all interested parties this 3rd day of May, 2012 via the CME/CF filing system.

Joseph P. Kennedy

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